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**Head Quarters, First District, Department Mississippi
and East Louisiana.**

TANGIPAHOA, La., July 15, 1862.

TO MAJOR GENERAL BUTLER,

Commanding United States Forces,

New Orleans, Louisiana.

GENERAL:—I have received petitions from Officers of the 1st Regiment Louisiana Partizan Rangers, touching the case of HENRY CASTLE, Jr., a private of company H, of that Regiment, and also, an application respecting THOS. C. PENNINGTON, a private of Capt. Wilson Tate's company, of the same Regiment, and I deem it expedient to request your early consideration of the subject.

It appears that private Castle was captured by a detachment of Federal troops in the vicinity of Baton Rouge, on or about the seventh of the present month, and private Pennington, on or about the 28th day of June,—that they were taken to New Orleans, and are held either there, or at one of the Forts in the vicinity, in close confinement, with the threat, that they are to be tried and executed as members of a Military Organization not sanctioned by the laws of civilized warfare. It is to be observed, that the first great law of nature, the right of self defence, is inherent in communities as well as individuals. No law condemns the individual who slays the robber or the assassin; and no just law can condemn a community for using all its power to resist the Invader, and drive him from their soil. The exercise of this right, so universally recognized, becomes an imperative duty when the invader, as has been the case with the Federal troops in this district, disregards those rules of warfare recognized and respected by all civilized nations, and adopts that code which has heretofore been confined to the rudest savages.

The proof of this, is unfortunately too abundant in the vicinity of Baton Rouge. It is attested by helpless women and children flying from their burning homes; by the desolation of plantations—by the plunder of private property, and the wanton destruction of growing crops. Such acts are crimes against humanity, and justify all men in taking up arms against their perpetrators.

The Independence of Nations has rarely been achieved by regular Armies. Our own Revolution—that revolution which successfully established the great principle for which the Confederate States are now contending, that “all Governments derive their just powers from the consent of the governed,”—was mainly fought out by men who left the plow at the news of the enemy's approach, and returned to it when he had been driven back. It may be conceded that in Europe, where the Governments mainly rely upon large standing armies, which are, as much as possible, disconnected with the people, and where the policy is to prevent the people from bear-

ing arms, under almost any circumstances, some very absurd refinements on this subject have been asserted, and to some extent tolerated. But such doctrines have never been recognized on this Continent,—the United States, especially, has always repudiated them.

The various Revolutions which have agitated the Central and South American States, have been conducted by the people, frequently without leaders, other than those chosen upon the spur of the occasion, to direct a single enterprise. And, to recur to the Revolution of our Forefathers, the history of that immortal struggle abounds with instances, where the hardy yeomen, as at Lexington and Bunkers Hill, were like the Clansmen of Roderick Dhu, called by a concerted signal to some "Lanrick Mead," and there selected their officers upon the very field of battle.

But, whatever difference of opinion may exist on this point, it has never been claimed, even by the most stringent advocates of legitimacy, that one Belligerent has any right to complain of the name or form which the other may choose to give to its military organizations. The right to adapt these to the peculiar service required, has been universally conceded. So far, indeed, has this practice been carried in Naval warfare, that privateersmen, "the Militia of the Seas," with charters as broad as the Ocean's bounds, are recognized as legitimate among belligerents. And now, indeed, the extraordinary spectacle is presented to the contemplation of civilized man, in this boasted Nineteenth century of the Christian world, of a Nation, claiming to be civilized, in violation of its constitutional obligations, inaugurating, deliberately, servile war by stimulating the half-civilized African to raise his hand against his master and benefactor, and thus make war upon the Anglo-Saxon race—war on human nature!

This, with the Federal Government, is legitimate warfare; but the defence of their firesides and souls from insults, injuries and Murder! In military organizations, the Polish Lancers, French Zouaves, and British Corps of Scouts and Guides in the late East Indian war, are cases in point. The Confederate States claim and have exercised this undoubted right. The formation of Companies, Battalions and Regiments of Partizan Rangers has been specially authorized by an act of Congress. The officers of this corps are commissioned; the men are regularly mustered into service, receive pay, rations, and equipment from the Government, and are entitled to the same privileges and governed by the same regulations as all other troops in the Confederate service. It is not perceived therefore, what pretext can be offered by the Enemy for subjecting the members of this corps to a different treatment from that extended to other prisoners of war. Certainly no such distinction can be recognized or tolerated by us. The Government having called these men into service, is bound by every obligation of good faith to protect them to the extent of its power; and if found necessary for their protection, as well as for that of numerous unarmed citizens who have been subjected to outrages unparalleled in civilized warfare, will not hesitate, I feel constrained to declare, to resort to retaliation, even to the extent sanctioned by the Jewish law, "an eye for an eye, a tooth for a tooth, and life for life."

I await an answer, containing an explicit declaration of the intentions of the United States Government respecting these prisoners.

Very Respectfully,

Your Obedient Servant.

DANIEL RUGGLES,

Att. Genl., Richmond, Va.

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